

## **Exhibit D**

**Attached hereto as Exhibit D is a true and correct copy of excerpts from the January 16, 2015 deposition of Scott Moskowitz.**

16 pages deleted pursuant to the protective order.

United States Patent 7,660,700 THE UNITED STATES  
DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

BLUE SPIKE, LLC, §  
Plaintiff, § CIVIL ACTION NO.  
VS. § 6:12-CV-00499-MHS  
TEXAS INSTRUMENTS, INC. §  
Defendant. §

BLUE SPIKE, INC., §  
Plaintiff, §  
VS. §  
AUDIBLE MAGIC CORPORATION, §  
FACEBOOK, INC., MYSPACE, LLC, §  
SPECIFIC MEDIA, LLC, § CIVIL ACTION NO.  
PHOTOBUCKET.COM, INC., § 6:12-CV-00576-MHS  
DAILYMOTION, INC., DAILYMOTION §  
S.A., SOUNDCLOUD INC., §  
SOUNDCLOUD LTD., MYXER, INC., §  
QLIPSO, INC, QLIPSO MEDIA §  
NETWORKS, LTS, YAP.TV, INC., §  
GOMISO, INC., IMESH, INC., §  
METACAFE, INC., BOODABEE §  
TECHNOLOGIES INC., TUNECORE, §  
INC., ZEDGE HOLDINGS, INC. §  
BRIGHTCOVE INC., COINCIDENT. §  
TV INC., ACCEDO BROADBAND §  
NORTH AMERICA, INC., ACCEDO §  
BROADBAND AB, and MEDIAFIRE, §  
LLC, §  
Defendants. §

CONFIDENTIAL - OUTSIDE COUNSEL EYES ONLY  
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ORAL AND VIDEOTAPED DEPOSITION OF  
SCOTT MOSKOWITZ  
January 16th, 2015  
VOLUME 6

\*\*\*\*\*

ORAL AND VIDEOTAPED DEPOSITION OF SCOTT  
MOSKOWITZ, produced as a witness at the instance of  
the Defendant Audible Magic, and duly sworn, was  
taken in the above-styled and numbered cause on the  
16th of January, 2015, from 9:22 a.m. to 2:23 p.m.,  
before Daniel J. Skur, Notary Public and Certified  
Shorthand Reporter in and for the State of Texas,  
reported by stenographic means, at the offices of  
Garteiser Honea, 218 North College Avenue, Tyler  
Texas, pursuant to the Federal Rules of Civil  
Procedure.

A P P E A R A N C E S

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ALSO PRESENT: Mr. Mike Mart, Videographer

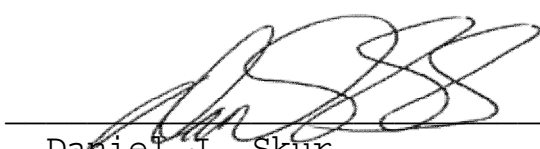
REPORTER'S CERTIFICATION

I, DANIEL J. SKUR, CSR and Notary Public in and for the State of Texas, hereby certify that the witness was duly sworn and that this transcript is a true record of the testimony given by the witness;

That pursuant to Rule 30 of the Federal Rules of Civil Procedure, signature of the witness was reserved by the witness or other party before the conclusion of the deposition;

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken. Further, I am not a relative or employee of any attorney of record in this cause, nor am I financially or otherwise interested in the outcome of the action.

Subscribed and sworn to by me this day, the \_\_\_\_\_ day of January, 2015.

  
Daniel J. Skur  
Notary Public, State of Texas  
My Commission Expires 7/7/2018

